

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 232

AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-10-13-1, AS AMENDED BY P.L.112-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 1. As used in this chapter, "exposure risk disease" refers to:

- (1) anthrax;
- (2) hepatitis;
- (3) human immunodeficiency virus (HIV);
- (4) meningococcal meningitis;
- (5) any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19);**
- ~~(5)~~ **(6)** smallpox; or
- ~~(6)~~ **(7)** tuberculosis.

SECTION 2. IC 5-10-13-5, AS AMENDED BY P.L.112-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in section 6 of this chapter, an employee who:

- (1) is diagnosed with a health condition caused by an exposure risk disease that:
 - (A) requires medical treatment; and
 - (B) results in total or partial disability or death;
- (2) by written affidavit has provided to the employee's employer a verification described in subsection (b), (c), (d), (e), ~~or (f)~~, **or**



(g); and

(3) before the employee is diagnosed with a health condition caused by hepatitis or tuberculosis, tests negative for evidence of hepatitis or tuberculosis through medical testing;

is presumed to have a disability or death incurred in the line of duty.

(b) **This subsection applies to** an employee who is diagnosed with a health condition caused by hepatitis. ~~and~~; If the health condition results in disability or death **and the employee** wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, **the employee** shall, by written affidavit executed before death, provide verification that the employee has not:

(1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by hepatitis;

(2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;

(3) received blood products for the treatment of a coagulation disorder since testing negative for hepatitis;

(4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;

(5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or

(6) used intravenous drugs that were not prescribed by a physician.

(c) **This subsection applies to** an employee who is diagnosed with a health condition caused by meningococcal meningitis. ~~and~~; If the health condition results in disability or death **and the employee** wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, **the employee** shall, by written affidavit executed before death, provide verification that the employee, in the ten (10) days immediately preceding the diagnosis, was not exposed to another individual known to:

(1) have meningococcal meningitis; or

(2) be an asymptomatic carrier of meningococcal meningitis; outside the scope of the employee's current employment.

(d) **This subsection applies to** an employee who is diagnosed with a health condition caused by tuberculosis. ~~and~~; If the health condition results in disability or death **and the employee** wishes to have a presumption of disability or death incurred in the line of duty apply to



the employee, **the employee** shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have tuberculosis.

(e) **This subsection applies to** an employee who is diagnosed with a health condition caused by HIV. ~~and~~; If the health condition results in disability or death **and the employee** wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, **the employee** shall, by written affidavit executed before death, provide verification that the employee has not:

- (1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by HIV;
- (2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;
- (3) received blood products for the treatment of a coagulation disorder since testing negative for HIV;
- (4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;
- (5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or
- (6) used intravenous drugs that were not prescribed by a physician.

(f) **This subsection applies to** an employee who is diagnosed with a health condition caused by smallpox. ~~and~~; If the health condition results in disability or death **and the employee** wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, **the employee** shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have smallpox.

(g) **This subsection applies to an employee who is diagnosed after June 30, 2021, with a health condition caused by any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19). If the health condition results in disability or death and the employee wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the**



scope of the employee's current employment, been exposed to another individual known to have any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19).

~~(g)~~ **(h)** A presumption of disability or death incurred in the line of duty may be rebutted by competent evidence.

~~(h)~~ **(i)** A meeting or hearing held to rebut a presumption of disability or death incurred in the line of duty may be held as an executive session under IC 5-14-1.5-6.1(b)(1).

SECTION 3. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 232 — CC 1

